

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re:	Hung et al.	Confirmation No. :	8506
Appl. No.:	10/825,752	Group Art Unit:	3764
Filed:	April 16, 2004	Examiner:	Michael Brown
For:	INCREASING RETRIEVABLE CELLS FROM A BREAST DUCT		

July 18, 2008

MAIL STOP APPEAL BRIEF-PATENTS

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

AMENDMENT TO APPEAL BRIEF OF APPELLANT

Sir:

This Amendment to Appellant's Appeal Brief is filed in response to the Notification of Non-Compliant Appeal Brief mailed June 30, 2008. The Appeal Brief filed on June 20, 2008 was objected to due to a failure to identify the claims on appeal in the status of the claims section. Attached hereto is an amended Status of Claims section which identifies the claims on appeal.

III. Status of Claims.

Claims 1, 2, 4, and 5 are the subject of this appeal. Claims 1, 2, 4, and 5 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,413,228 ("Hung") in view of U.S. Patent No. 4,740,196 ("Powell"), U.S. Patent No. 6,054,314 ("Kim"), and U.S. Patent No. 6,221,622 ("Love"). The claims appear in Appendix A. No other claims are pending. Claim 3 has been previously cancelled.

The required fee for filing this Appeal Brief as set forth under 37 CFR §41.37(a)(2) and 37 CFR §41.20(b)(2) was included in Appellants' filing on June 20, 2008. It is not believed that any additional extensions of time or fees are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore is hereby authorized to be charged to Deposit Account No. 502855 referencing attorney docket number 12.023011-CIP.

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Respectfully submitted,



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